

[Editor's Note: By order dated December 13, 2002, the New Hampshire Supreme Court adopted Professional Conduct Rule 1.17 as set forth below in Appendix B. This new rule shall be effective on March 1, 2003.]

APPENDIX B

Adopt a new Rule 1.17 to the Rules of Professional Conduct, which shall state as follows:

Rule 1.17. Disclosure of Information to the Client

(a) A lawyer shall inform a client at the time of the client's engagement of the lawyer or at any time subsequent to the engagement of the lawyer if the lawyer does not maintain professional liability insurance in the amounts of at least one hundred thousand dollars per occurrence and three hundred thousand dollars in the aggregate or if the lawyer's professional liability insurance ceases to be in effect. The notice shall be provided to the client on a separate form set forth following this rule and shall be signed by the client.

(b) A lawyer shall maintain a copy of the notice signed by the client for five years after termination of representation of the client.

(c) The notice required by paragraph (a) of this rule shall not apply to a lawyer who is engaged in either of the following:

- (1) Rendering legal services to a governmental entity that employs the lawyer;
- (2) Rendering legal services to an entity that employs the lawyer as in-house counsel.

(d) **Transitional period.** Within thirty days after March 1, 2003, which is the effective date of this rule, a lawyer who does not have professional liability insurance in the amounts set forth in paragraph (a) and who is not exempt from the notice requirements under paragraph (c) shall provide notice to each of the lawyer's clients. The notice shall be provided to each client on a separate form set forth following this rule and shall be signed by the client.

NOTICE TO CLIENT

Pursuant to Rule 1.17 of the New Hampshire Rules of Professional Conduct, I am required to notify you that I do not maintain professional liability (malpractice) insurance of at least \$100,000 per occurrence and \$300,000 in the aggregate.

(Attorney's signature)

CLIENT ACKNOWLEDGMENT

I acknowledge receipt of the notice required by Rule 1.17 of the New Hampshire Rules of Professional Conduct that *[insert attorney's name]* does not maintain professional liability (malpractice) insurance of at least \$100,000 per occurrence and \$300,000 in the aggregate.

(Client's signature)

Date: _____